

A

STATE OF M.P.

v.

SURESH GUPTA AND ANR.

SEPTEMBER 8, 1995

B

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

*Criminal Appeal—Pending cases—Disposal by Courts below—Directions regarding.*

C

**Regarding certain matters pending between the parties;**

**Disposing the appeal, this Court**

D

**HELD : The Courts below are free to dispose of all the pending or connected matters between the parties on their merits without being influenced by any of the findings and observations made by the High Court in the impugned order. [457-B]**

**CRIMINAL APPELLATE JURISDICTION : Criminal Appeal Nos. 1085-86 of 1995.**

E

From the Judgment and Order dated 5.5.95 & 27.4.95 of the Madhya Pradesh High Court in W.P. Nos. 671 & 596 of 1995.

P.P. Rao, Uma Nath Singh for the Appellant.

F

U.R. Lalit and D.D. Thakur, B.K. Satija, Vipin Gogia, S.K. Jain A.P. Dhamija, P.R. Jain, Vivek Gambhir, Anil Kumar S.K. Gambhir and K. G. Maheshwari for the Respondents.

The following Order of the Court was delivered :

Leave granted.

G

We have heard learned counsel for the parties. The respondent, Sadhvi Rithambara, has already been released. It is stated by Shri D.D. Thakur, learned senior counsel for the respondent, that the State would be free to proceed with the pending matters, i.e., not only concerned F.I.R. but also the other connected matters between the parties. The courts below

H

would proceed and decide the cases uninfluenced by any of the findings

and observations made by the High Court in the impugned order and purely based on the merits of the case. Shri P.P. Rao, learned senior counsel for the appellant, has very fairly agreed for this suggestion. A

In view of the above very fair stand taken by both the counsel, we reiterate that the courts below are free to dispose of all the pending or connected matters between the parties on their merits without being influenced by any of the findings and observations made by the High Court in the impugned order. B

The appeal is disposed of accordingly.

T.N.A.

Appeal disposed of. C